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## REPRESENTATIVE GOVERNMENT AMONG THE HEBREWS AND PHOENICIANS

A CONTRIBUTION TO THE PROBLEM OF THE עַם הָאָרֶץ  
RAISED BY JUDGE MAYER SULZBERGER

IN his instructive study entitled *The Am Haarez, the ancient Hebrew Parliament*, Judge Mayer Sulzberger, with the competence of an eminent legal authority manifested in every line, endeavours to determine anew the constitutional government of ancient Israel. After arguing his thesis with sagacity, the learned Judge reaches a conclusion revealing a new aspect of prime importance which must impress itself on the Jewish historian: Hebrew antiquity knew of constitutional, representative government. This régime which can be traced to the time of the Judges definitely appears in the age of Samuel, when we come across the chosen of the people, ראשי הקרואים, כּ. קרואי עַם. This term reappears in many biblical passages which have been misunderstood by historians ignorant of Oriental antiquity, and which treat of the assemblies of the Israelites under the name of עַם הָאָרֶץ or even ראשי עַם הָאָרֶץ, their active rôle being determined by a whole series of political changes in Israel.

The thesis so wisely developed deserves attention. However, such is often the force of historical routine in many erudite circles that they fear every opinion—however true it may be—just on account of its originality. The only way to react against such a routine is to accumulate evidence tending to make truth triumph. May I therefore be permitted to offer my moderate contribution to the elucidation of such an inspiring problem?

To show how one must not isolate pre-exilic Israel from the

multitude of his Hebrew or Hebrew-Phoenician neighbours, I shall try to recapitulate all that is known to-day concerning the ancient constitution of Phoenicia, the analogy of which to that of Israel has already been discussed by me.<sup>1</sup>

It is chiefly the Phoenician and Punic inscriptions substantiated by the testimony of the ancients which will furnish us new data concerning the constitutional régime of these peoples. Let us begin by saying that after having experienced—together with the people of Israel—a prehistoric period of the rule of suffetes, שופטים, and representatives of the people, the Phoenicians of Tyre and Zidon wound up by adopting the same political system as Israel: the first known independent Kings of Tyre, Abiba'al and Hiram, are contemporaries of David and Solomon. Only, and this despite the dearth of historical documents, all that we know of the history of Tyre points to a chronic conflict which existed between a popular party, the plebeians, and the royal party or aristocracy. The reactions and revolutions among them are numerous.<sup>2</sup>

Indeed, it is as a reaction against the tyranny of the royal régime at Tyre that the founders of Carthage, having expatriated themselves in order to go to Africa, decided to adopt a republican system of government with two suffetes or judges (magistrates) at the head. In a general way the Phoenician inscriptions know two political régimes different from one another: (1) The monocratic régime which is characterized by the mention of an era dated from the coronation of the מלך or sovereign. (2) The republican régime which is characterized by a demotic era, i.e. which counts the years from the foundation of the new republican form of government or else from the eponymous year, i.e. the year which bears the names of the suffetes who were then in power.

To the last category belong the documents which come from the Seleucid era, wherein the Phoenician cities constituting

<sup>1</sup> See *Les Hébreu-Phéniciens*, Paris, 1909. Also *La Civilisation hébraïque et phénicienne de Carthage*, Tunis, 1912.

<sup>2</sup> See the famous passage of Menander cited by Josephus, &c.

a republic still found themselves dominated by the Syrian kings and subject to their suzerainty.

As a specimen of the first category may serve the great inscription of Zidon dated at the period of Persian domination and published in the *Corpus Inscriptionum Semiticarum*, I, No. 2. The following is the text of the first line which is of interest to us:

בשנת עשר וארבע למלכי מלך אשמנעזר מלך צדנם

'In the year XIV of my reign (I) Eshmunazar, King of the Zidonians.'

Here it is the king who dominates the era: none else is mentioned. The people do not participate in the management of the government.

The same is true of the Phœnician colonies of Cyprus where the royal régime predominated, as may be seen from the Assyrian inscriptions of Sargon.<sup>3</sup>

The *CIS.*, I, Nos. 88 and 89, offers us a similar formula for a Cyprian king of the Ptolemaean age. The first line reads:

בשנת שלשם למלך מלכיתן מלך כתי ואדיל

'In the year XXX of my reign (I) Melechyaton, King of Kiti (Kition) and of Adel.'

As to Tyre, we lack for the present inscriptions relative to the régime which would characterize her royal period contemporaneous with the kings of Israel. But we know that during the Greek supremacy, when the republican régime was definitely established in the city of Tyre, it was the *δημος*, the עם, which signalized its advancement to power through the establishment of an era appropriate to it. This point is so important to our thesis that I venture to reproduce the inscription of *CIS.*, No. 7, *in extenso*, with its Latin translation according to the editors of the *Corpus*<sup>4</sup>:

<sup>3</sup> See Maspero, *Histoire ancienne des peuples de l'Orient*, p. 500.

<sup>4</sup> It goes without saying that the Phœnician orthography differs from the Hebrew.

Domino Baali coelorum אשר נדר  
 votum quod vovit Abdelimus,  
 filius Mattanis, filii Abdelimi, עבדאלם בן מתן בן עבדאלם בן  
 filii Baalšamari, in [circulo] בעלשמר בפלג לאדר, אית השער  
 Laadic[ae]. Portam hanc et ז' והדלתה אש ל פעלת בתכלתי  
 valvas eius feci in exsecutionem  
 illius (voti). Aedificavi eum  
 anno CL XXX domini regum, בנת בשת CL XXX לארן מלכם.  
 CXLIII<sup>o</sup> anno populi Tyri, ut CXLIII<sup>o</sup> שת לעם צר לכן לי  
 sit mihi in memoriam et nomen  
 bonum sub pedibus domini mei לסבר ושם נעם תחת פעמי אדני  
 Baalis coelorum in aeternum. בעלשמם לעלם, יברכני.  
 Benedicat mihi.

To facilitate the reading I offer a Hebrew translation or rather an orthographic reproduction :

לארן לבעל שמים<sup>5</sup> אשר נדר עבדאלים  
 בן מתן בן עבדאלים בן בעלשמר  
 בפלך לודכיא.<sup>6</sup> את השער הזה והדלתות  
 אשר לו פעלתי בתכלתי<sup>7</sup> בניתי בשנת 180  
 30 לארן מלכים. 143 שנה לעם  
 צור להיותם לי לזכר ושם נעים  
 תחת פעמי<sup>8</sup> אדוני בעל שמים  
 לעולם, יברכני.

In this inscription we find three dates : the first is not certain ; the second is that of the reign of a Seleucid king ; the third is that of the establishment of the Republic of Tyre which, according

<sup>5</sup> The god of heaven, בעל שמים, is the pure Semitic deity, in contradistinction from בעל שמש = בעל חמן who is the solar god. (See my study cited above.)

<sup>6</sup> Or לודקיא according to the Talmud.

<sup>7</sup> From ונחרצה בלה, *project, plan*.

<sup>8</sup> Or רגלי.

to the editors of the Corpus, would date from 275. The inscription therefore dates 143 from the Republic of Tyre or 132 B. C.

Another inscription found near Tyre much later and commented upon by Clermont-Ganneau<sup>9</sup> dates from the era of Ptolemaean dominion. The following is the passage concerning the eras :

בשנת XVI לפתלמים ארן מלכם האדר פֶּעַל נָעַם בן פתלמים  
וארסנאם אלן אֲחִים שלש חמש שנת לעם [צר]

‘In the year XVI of Ptolemy, the lord of kings, the powerful, the benefactor, son of Ptolemy and Arsinoë, the tree of life, fifty-three years to the people of Tyre.’

Here the date is certain ; it is Ptolemy III Euergetes (247–221 B. C.) who is alluded to. The Tyrian republic having been founded in the year 275, the date would be 222 B. C.

As to the Republic of Zidon of the same epoch, we possess an inscription discovered at Piræus (near Athens) where we read the following date :<sup>10</sup>

ביום IV למרחה בשנת XV לעם צדן

‘On the fourth day of (the month) Marzeah<sup>11</sup> in the year XV of the people of Zidon.’

These documents show us that the term עַם is employed as an equivalent of republic. It is the sovereign people that signs the acts.

Unfortunately we do not possess any data concerning the social and political constitution of the republics of Tyre and Zidon of a later date. On the other hand, we are well informed as to the constitutional régime of the daughter republic of Tyre—that of the famous Carthage and her dependent states. The testimonies of Aristotle and Polybius are precious,<sup>12</sup> and the

<sup>9</sup> *Recueil d'Archéologie Orientale*, I, p. 81 f.

<sup>10</sup> See Renan, *Rev. Archéol.*, 1888, I, p. 5 f.

<sup>11</sup> An ancient name of a Hebrew-Phoenician month.

<sup>12</sup> I refer the reader to the book by Meltzer, *Geschichte der Karthager*, vol. II, ch. II.

inscriptions are very numerous although some of them still remain unpublished. I have already had occasion to demonstrate in what respects the constitution of Carthage offers analogies with that of post-exilic Judea, analogies which even go so far as a common terminology.<sup>13</sup>

The whole constitutional régime of ancient Judea is found copied and frequently glossed in the inscriptions of Carthage or her dependencies of the occidental Mediterranean region.

At the head of the constitution of Carthage stood the *δημος*. It is to the people that the government addressed itself whenever an important decision came up.<sup>14</sup> The people constituted the highest court of appeal in all matters pertaining to the political life of the republic. Now, the epigraphic texts show explicitly that in the Hebrew-Phoenician speech of Carthage and her dependencies it is the term *עם* which replaces that of *δημος* in Aristotle, Diodorus of Sicily, and Polybius whenever there is reference to the constitution of Carthage. Several Zidonians naturalized in Carthage employ in their votive texts the following formula (cp. *CIS.*, 269, 271, 272, 273, &c.): *למיעמם עם*<sup>15</sup> = *קרתחדשת* = *ex decreto populi Carthaginis*.

The inscription of Gozzo (Gaulos near Malta, see *CIS.*, I, No. 132) speaks of temples erected by the people of that city in the following terms :

פעל וחדש עם גול אית שלש [המקדשים] . . .

‘The people of Gaulos executed the renovation of the three [temples] . . .’

In the inscriptions, No. 263–8, the representatives of the *עם* or commonwealth of other Punic colonies (e.g. *רשמלקרת*, *עם*, *עם אירנים*, &c.) are involved. Thus every Phoenician colony

<sup>13</sup> See my *La Civil. hébr. et phén. de Carthage*.

<sup>14</sup> Cp. Diodor. 14. 4 ; Polyb. 15. 1, 2.

<sup>15</sup> This term is hardly clear. The root *עמם* means to charge, perhaps *למו יעמם* = he charged them. The Latin *ex decreto* translated by the editors of the Corpus is certain.

constituted a nation, a עם, which distinguished her from the other neighbouring populations. But what was exactly the character of this עם or *δημος* which governed the destinies of the great Republic of Carthage and her sister cities? Here again Aristotle, corroborated by the testimony of Polybius and elucidated by Meltzer, offers a solution :

It follows from these data that the people of Carthage were presided over by a great assembly, Syncletos, composed first of 100 and later of 300 family heads. Evidently not anybody who wished formed the sovereign people of Carthage, but only the representatives of the Phoenician citizens, one from each family, the ראשי בני אב or ראשי עם of the Hebrews and of the book of Nehemiah, which form a point of discussion in Judge Sulzberger's treatise. By its origin it recalls the כנסת הגדולה of Jerusalem, whose inception is stated clearly in Neh. 5. 10, where it is resolved to have the first legislative reunion of post-exilic Jerusalem : twenty-three representatives of the families of the Aaronides, seventeen heads of Levitic families, and forty-five heads of lay families. See, moreover, Neh. 8. 13 : נאספו ראשי האבות לכל העם : הכהנים והלויים.

With reference to the Aaronides as well as the Judeans, it is the representatives of the families who make up the עם. Hence at Carthage as well as at Jerusalem the עם is the pure race, the commonwealth represented by its family chiefs, to the exclusion of strangers. It is this assembly which controls the acts of the suffetes, which presides over all the functions of government, such as the executive function, the Synhedrion<sup>16</sup> or the Senate of 100 at Carthage and of 70 at Jerusalem, &c. At Jerusalem the two suffetes are replaced by the high-priest and the Nasi, later on by the זיונות or chiefs of Synhedrion. The members of this parliament bear the name חברים. Thus in one of the inscriptions recently discovered at Carthage<sup>17</sup> we find חברנם (= חברים) alongside of suffetes and high-priests. In Jeru-

<sup>16</sup> The term Synhedrion appears similarly at Carthage.

<sup>17</sup> To appear in the next issue of the *CIS.*, which is now in press ; cp. *CIS.*, I, No. 165.



salem these **חברים** are met with in the following numismatic text published by de Vogué:

יוחנן הכהן הגדול וחבר היהודים

‘Johanan the high-priest and the college of the Jews.’

But even the term *hetairia* which Aristotle attributes to the supreme tribunal of Carthage is known in Jerusalem. In the first place we find the term **החבורה** (Midr. r. **שיר השירים**, 2. 63, &c.) used with reference to the great Jewish tribunal. But besides we have the misunderstood term **בעלי תרסין** or members of the *hetairia*. The key to this solution is furnished by Yebamot 121 a, where we read **היתרים**, *hetairias*.

I hope again to treat this captivating subject at some future date. But the present exposition, however summary it may be, proves sufficiently that the thesis of Judge Sulzberger finds very serious support in the texts of Phoenicia: under the form of family representation, the families being only those belonging to the Phoenician commonwealth, the people of Tyre or Carthage, the *δημος* or the **עם**, directed the destinies of their republics. This is the first form known in the history of the régime of a sovereign people.

Paris.

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